REMARKS

Applicants would like to thank the Examiner for the careful consideration and substantive effort given this case.

The Examiner has objected to the information disclosure statement filed on August 14, 2003 because a legible copy of each non-U.S. patent reference was not included with the submission of the information disclosure statement. A supplemental information disclosure statement, including copies of the non-U.S. patent references is submitted herewith.

The Examiner has rejected claims 1-4 and 6-11 under 35 U.S.C. §101 because the invention is directed to non-statutory subject matter. The Examiner stated that the claims did not produce a real or actual effect. Claim 1 has been amended to include the limitation "updating said test package at said test center with said first version of said test package if the second version of said test package is outdated relative to said first version of said test package and if said test center chooses to update to said first version of said test package," which describes an actual effect performed upon the test center. Claims 2-4 and 6-11 depend from and incorporate all of the limitations of claim 1. Accordingly, in light of this amendment, Applicants request that the Examiner withdraw the rejection to claims 1-4 and 6-11 on this basis.

The Examiner has rejected claim 4 under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. The Examiner has further rejected claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and particularly claim the subject matter which applicants regard as their invention. The Examiner stated that the specification fails to define what constitutes an "enterprise service." Claim 4 has been amended to require a "client-server interface." This amendment finds support on at least pages 5 through 14 of the specification. Accordingly, in light of this amendment, Applicants request that the Examiner withdraw the rejection to claim 4 on this basis.

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The Examiner has rejected claims 1-3 and 6-9 under 35 U.S.C. §103 as being unpatentable over U.S. Patent Number 6,149,438 to *Richard et al.* Applicants respectfully traverse this rejection in light of the amendments to the claims and the following remarks.

Independent claim 1 incorporates features not disclosed in the prior art cited by the Examiner. In particular, *Richard et al.* does not teach or suggest "<u>updating said test package at said test center with said first version of said test package if the second version of said test package is outdated relative to said first version of said test package and **if said test center chooses to update to said first version of said test package**</u>," as required by amended claim 1. In *Richard et al.*, the search for an updated version of a course may pass through a network. "If a queried server has the course, it replies to querying server with the location of the course. If the queried server does not have the course, it passes the query on to all other servers, unless it recognizes the query as being one which it has already passed on to other servers, in which case the queried server does nothing." *Richard et al.*, col. 5, ll. 8-13. "Because the search may go through several paths in the network, it is possible that more than one server replies with the location of the course. For that reason, the number of links which the course must pass through and the transaction cost associated with each link are computed as the reply makes its way back to the requesting computer. **<u>The requesting computer uses this information to decide from which server it can most expeditiously and inexpensively copy the course. It then requests that the course be copied to its file storage.</u>**" *Richard et al.*, col. 5, ll. 18-27. In other words, the server in *Richard et al.* automatically downloads an updated version of a course into its file storage upon requesting the course if the local version of the course is outdated. The only decision in *Richard et al.* is from which server to download the updated version of the course.

In contrast, claim 1 requires "<u>updating said test package at said test center with said first</u> <u>version of said test package if the second version of said test package is outdated relative to said</u> <u>first version of said test package and</u> **if said test center chooses to update to said first version** **of said test package**." *Richard et al.* does not teach or suggest a test center that determines whether to request an updated test package version upon detecting that the local test package version is outdated. For at least this reason, claim 1 is allowable over *Richard et al.*

This amendment to claim 1 finds support on at least pages 13 through 16 of the specification. As such, no new matter has been added by this amendment.

As claims 2, 3 and 6-9 depend from and incorporate all of the limitations of allowable independent claim 1, claims 2, 3 and 6-9 are likewise allowable over the prior art.

The Examiner has rejected claims 10 and 11 under 35 U.S.C. §103 as being unpatentable over U.S. Patent Number 6,162,060 to *Richard et al.* in view of U.S. Patent Application No. 2002/0168621 to *Cook et al.* As stated above in reference to claim 1, *Richard et al.* does not teach or suggest "<u>updating said test package at said test center with said first version of said test</u> <u>package if the second version of said test package is outdated relative to said first version of said</u> <u>test package and</u> **if said test center chooses to update to said first version of said test** **package**." *Cook et al.* does not resolve this deficiency. *Cook et al.* merely teaches a device that downloads information for a lesson. The device does not perform version control for the lesson. In particular, *Cook et al.* does not determine whether to request an updated test package version upon detecting that the local test package version is outdated. As such, the combination of *Richard et al.* and *Cook et al.* does not teach all of the limitations of claim 1. Since claims 10 and 11 depend from and incorporate all of the limitations of allowable independent claim 1, claims 10 and 11 are likewise allowable over the prior art.
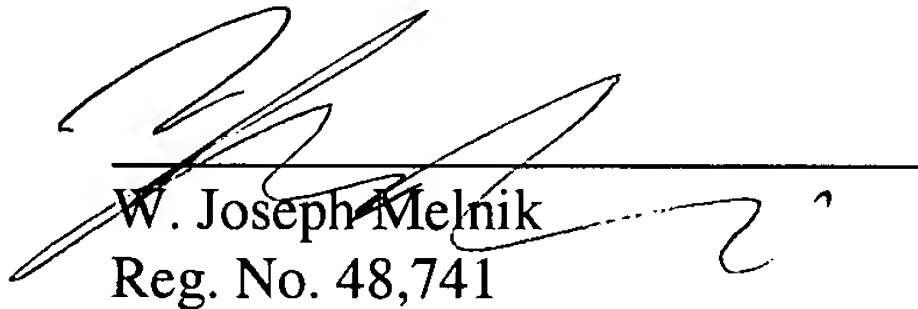
All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding objections and rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 05-0426.

Respectfully submitted,
PEPPER HAMILTON LLP

W. Joseph Melnik
Reg. No. 48,741

Pepper Hamilton LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219
Telephone: 412.454.5000
Facsimile: 412.281.0717
Date: December 15, 2004

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